

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Amend claim 44, and 49-57 as following;

Claim 44, line 1, after "claim" delete "45", and insert "44";

Claims 49-57 (all), line 1, after "44", delete "and", and insert "or".

The amendments are to correct some obvious typographic errors and put the claims in proper dependent form.

Reasons for Allowance

Applicants' amendments and remarks submitted December 31, 2009 have been fully considered, and are found persuasive. Particularly, the claims are drawn to an exfoliating composition which is stable and which does not leave a greasy or tacky after-feel. The composition is characterized by the employment of a nonirritating, mildly abrasive, skin compatible, particulates herein defined, and particular amount of calcium or magnesium salt of fatty acid, along with other surfactant, emollients and 0-4 % of water. As applicants argued, the prior art as a whole fails to provide sufficient suggestion to reach the claimed composition.

Art Unit: 1627

2. Claims 44-61 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claim 37, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, is hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 2/26/2003 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shengjun Wang whose telephone number is (571) 272-0632. The examiner can normally be reached on Monday to Friday from 7:00 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan, can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 1627

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shengjun Wang/
Primary Examiner, Art Unit 1627